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3 UNITED STATES DISTRICT COURT
4 FOR THE NORTHERN DISTRICT OF CALIFORNIA
5 OAKLAND DIVISION
6

7 UNITED STATES OF AMERICA,

8 Plaintiff,

9 vs.

10 DANA RAY HOUSTON,

11 Defendant.
12

Case No: CR 12-0495 SBA

**ORDER ACCEPTING REPORT
AND RECOMMENDATION
REGARDING GUILTY PLEA**

Docket 485

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14 On January 2, 2013, the Court referred this matter to Magistrate Judge Westmore
15 ("the magistrate") for a report and recommendation on the acceptance of Defendant's guilty
16 plea. Dkt. 434. On January 22, 2013, the Defendant appeared before the magistrate and,
17 with the assistance of counsel, waived his right to enter a guilty plea before a district judge
18 and instead consented to enter his plea in a hearing before the magistrate. See Dkt. 485.
19 The magistrate conducted a full hearing in the manner set forth in Federal Rule of Criminal
20 Procedure 11. Id. After the advisements set forth in Rule 11, the Defendant entered a
21 guilty plea in open court. Specifically, the Defendant pled guilty pursuant to a written plea
22 agreement to Count Seventeen of the Indictment charging Defendant with a violation of 21
23 U.S.C. §§ 841(a)(1), 841(b)(1)(C), and 860 - Possession with Intent to Distribute Heroin
24 within 1,000 feet of a School. Id. The magistrate found that Defendant was fully
25 competent and capable of entering an informed plea, that he was aware of the nature of the
26 charges and the consequences of the guilty plea, and that the guilty plea was knowing and
27 voluntary and supported by an independent factual basis. Id.
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1 On January 25, 2013, the magistrate issued a Report and Recommendation
2 Regarding Guilty Plea in which she recommends that this Court accept Defendant's guilty
3 plea. Dkt. 485. The Report and Recommendation advises the parties that they may serve
4 and file specific written objections to the order within fourteen days after being served with
5 a copy of the order. Id. No written objections to the Report and Recommendation were
6 filed prior to the hearing. At the February 12, 2013 sentencing hearing in this matter, the
7 parties indicated that they have no objections to the Report and Recommendation.

8 Accordingly,

9 IT IS HEREBY ORDERED THAT the magistrate's Report and Recommendation
10 (Dkt. 485) is ACCEPTED, the Defendant's plea is accepted, and the magistrate's Report
11 and Recommendation shall become the order of this Court.

12 IT IS SO ORDERED.

13 Dated: 2/12/13

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15 SAUNDRA BROWN ARMSTRONG
16 United States District Judge
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